

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

VINCENT EARL BOGLIN,

Plaintiff,

V.

JAMES BAKER,

Defendant.

$$\begin{array}{c}) \\) \\) \\) \\) \\) \\) \\) \end{array}$$


Case No. 5:10-cv-03569-WMA-PWG

MEMORANDUM OPINION

The magistrate judge filed a report and recommendation on March 30, 2011, recommending that plaintiff's application to proceed in forma pauperis (Doc. 2) be denied and this action filed pursuant to 42 U.S.C. § 1983 dismissed without prejudice pursuant to 28 U.S.C. § 1915(g). No objections were filed.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the recommendation is ACCEPTED. The court finds that the plaintiff has three “strikes,” and therefore comes within the provision of 28 U.S.C. § 1915(g). The court further finds that the plaintiff has failed to demonstrate that he is “under imminent danger of serious physical injury.” He is therefore precluded from filing the instant action *in forma pauperis*. A final judgement will be entered.

DATED this the 17th day of May, 2011.


WILLIAM M. ACKER, JR.
UNITED STATES DISTRICT JUDGE